

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Gloria Smith

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

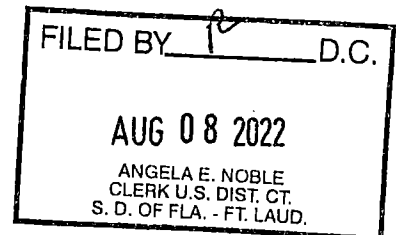
1. Select Portfolio Servicing Inc
2. DLJ mortgage Capital Inc
3. Metropolitan Life Insurance Company

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No. _____

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☒ No

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|--------------------------|
| Name | <u>Gloria Smith</u> |
| Street Address | <u>1721 NW 191st</u> |
| City and County | <u>Miami Dade</u> |
| State and Zip Code | <u>Fla 33056</u> |
| Telephone Number | <u>305 336-3808</u> |
| E-mail Address | <u>gloria005@mcn.com</u> |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Select portfolio Servicing Inc (mortgage Servicer)
 DLJ mortgage Capital Inc (mortgage Capital co.)
 Metropolitan Insurance Company (Home loans/Insurance)

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Defendant No. 1

Name Select Portfolio Servicing Inc
 Job or Title (if known) Mortgage Servicing Company
 Street Address 3217 S Decker Lake Drive
 City and County Salt Lake City
 State and Zip Code Utah 84119
 Telephone Number 888.818-6032
 E-mail Address (if known) WWW.SPService.com

Address AKA P.O. Box 65250 Salt Lake City Utah
84165-0250

Defendant No. 2

Name DLJ Mortgage Capital Inc/By Select Portfolio
 Job or Title (if known) Mortgage Company Servicing Inc
 Street Address 3217 S Decker Lake Drive
 City and County Salt Lake City
 State and Zip Code Utah
 Telephone Number 888.818-6032
 E-mail Address (if known) WWW.SPService.com

See Corporate assignment of mortgage 03/18/2022
Exhibit D

Defendant No. 3

Name Metropolitan Life Insurance Company
 Job or Title (if known) - at c/o Select Portfolio Servicing Inc
 Street Address 3217 S Decker Lake Drive
 City and County Salt Lake City Corporate assignment of mortgage
 State and Zip Code Utah 84119 See Exhibit D 03/18/2022
 Telephone Number 888.818-6032
 E-mail Address (if known) WWW.SPService.com

Defendant No. 4

Name _____
 Job or Title (if known) _____
 Street Address _____
 City and County _____
 State and Zip Code _____
 Telephone Number _____
 E-mail Address (if known) _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* Gloria Smith, is a citizen of the
State of *(name)* Florida.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

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b. If the defendant is a corporation

The defendant, (name) DLJ Mortgage Capital Inc, is incorporated under the laws of the State of (name) Utah, and has its principal place of business in the State of (name) Utah.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) Utah DLJ Mortgage Capital Inc.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

Defendants fraudulently obtained a Conventional Real Estate Loan including Purchase Money First Approx \$95,999 (including Purchase Money First) — Loan modification on (Sept 10, 2019 and Sept 13, 2019)

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Select Portfolio Servicing Inc obtain a Conventional real estate mortgage including Purchase Money First without my knowledge or sign consent and obtained a loan modification also without my knowledge or signed consent in 2019 and 2022. July 11, 2022 a Fraudulent Foreclosure notice was place on my property and a lien was place on the Deed of my property 03/18/2022 Corporate assignment mortgage see exhibit D they wanted me to pay up front \$26,774.97 to get my property out of foreclosure and to wire them a check for that amount to reinstate that fraudulent mortgage loan.

IV. Relief

of the \$69,725 foreclosure balance and \$26,274.97 reinstatement. Total \$95,999
I am Invalidating the Conventional real estate Mortgage loan and Modification.
State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. I am asking for punitive and exemplary damages what ever the court deems fit for the constant Harassments Knocking on my Front residence doors trying to get me to signed Mortgage papers in order to keep my Home, Also calling me and Sending Emails to the point I had to file several Harassment Police reports as per detective advise.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 08/08/2022

Signature of Plaintiff

Printed Name of Plaintiff

[Signature]
Colonia Smith

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

8/08/2022
Dated: Month, day, year

Respectfully submitted,

Gloria Smith
Name of Filer

Attorney Bar Number (if applicable)

Attorney E-mail Address (if applicable)

Firm Name (if applicable)

1721 NW 191 Street
Street Address

Miami Fla 33056
City, State, Zip Code

Telephone: 305 336-3808

Facsimile: _____

Attorneys for Plaintiff/Defendant [Party name(s)]
(if applicable)

Certificate of Service

I hereby certify that a true and correct copy of the foregoing was served by

Gloria Smith [specify method of service] on 8/08/2022 [date]

on all counsel or parties of record on the Service List below.

Gloria Smith
Signature of Filer